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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/403,557 10/25/99 BERGER

W BERGER

EXAMINER

IM52/0605

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RAJGURU, U

ART UNIT

PAPER NUMBER

1711

DATE MAILED:

06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on Feb 26, 2001 (paper no 7)
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 18-34 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 18-34 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

1. - An amendment (paper no. 7) has been filed on February 26, 2001.

Claims under examination are 18-34.

All rejections of claims 1-17 (see pages 2-5) of prior office action paper no. 6) are moot since those claims are canceled.

2. - The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. - Claims 18, 19, 25, 27, 28 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 is indefinite because it is not clear if the thermoplasticized starch and hydrophobic polymer are meant to be ingredients of mixtures or ingredients of the component. Additionally it is not known which reaction products and which residues of a catalyst are encompassed by scope of this claim.

Claim 19 is indefinite because the scope of this claim due to "consisting of" is restricted only to polyvinyl acetate and alkali silicate. However thermoplasticized starch, catalyst and basically reacting compounds are later included in the scope. Term "basically reacting" (in this claim as well as later claims) is also not understood.

Claim 25 is indefinite because it is not clear if the amount of catalyst compound does not exceed 0.5% or 20%.

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Claim 27 is indefinite because both ratios are exactly same viz 1:1 by wt. There is no range at all.

Claim 28 is indefinite since "at least partially" is vague term. Is it 50%, 70% partially or anything else?

Claim 31 is indefinite in containing "nitre starch", a term which needs clarification.

WJR 4 - - Claims (newly added) 18-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter (WO96/37544) in view of Maruhashi et al (USP 5106890).

This rejection (as applied to canceled claims 1-17) is incorporated here by reference from prior office action paper no. 6.

WJR 5 - - Applicant's arguments filed Feb. 26, 2001 (paper no. 7) have been fully considered but they are not persuasive.

On page 5, of above response, the applicants argue that Ritter's mixtures possess brown color, the degree of saponification reached ^{is} only up to 10% to 20% and water resistance is not due to neutralization. These arguments are not persuasive because some of the above limitations are not encompassed by instant claims and because the applicants have not furnished any

WJR documentary evidence in support of some limitations. ^{On} later pages, the applicants ^{statement that} state Ritter does not teach a thin-walled blown sheet material is not persuasive since Ritter (see English translation attached) in example 1, page 14 does mention a product in the form of a strip.

Applicants' comments on Maruhashi (page 10 of response) is that the reaction product of Maruhashi is entirely different from claimed invention. This may be true. It should be noted that

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Maruhashi is relied upon as a secondary reference, only for its teaching of a film based on polyvinyl alcohol and starch which (film) possesses excellent water resistance and is also biodegradable. It is immaterial whether product of Maruhashi is same or different from that of instant invention.

Applicants' arguments are therefore not persuasive to establish the nonobviousness of instant invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to U.K. Rajguru whose telephone number is (703) 308-3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck, can be reached on (703) 308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


UKRajguru:evh

05/31/01


James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700